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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/942,160 10/01/97 SHEIKH

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EXAMINER

HECKLER, T

ART UNIT.	PAPER NUMBER
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2787

DATE MAILED:

06/29/99

*13*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

08/942,160

Applicant(s)

SHEIKH ET AL

Examiner

Heckla

Group Art Unit

2787

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 14-21 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 14-21 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4510/11
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13, drawn to a system for external management of a computer environment, classified in class 714, subclass 47.

II. Claims 14-21, drawn to a remote interface, classified in class 710, subclass 15.

2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility in that it does not require the particulars of invention I. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Mr. John Carson on June 9, 1999, to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

6. Applicant elected, in a preliminary amendment of June 16, 1999, Group II, claims 14-21. Claims 1-13 were canceled.

7. The disclosure is objected to because of the following informalities: the pages (31-35) of Appendix A should be placed before the claims and the pages renumbered accordingly. Since Appendix B will not be included in a printed patent, a phrase such as "which can be found in the application file" should be inserted in the specification at page 1 line 22 (the fourth line from the bottom).

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Appropriate correction is required.

8. Claims 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14 it is not clear how all the elements are operatively interconnected. It is not clear if the microcontroller is connected to the bus. It is not clear if the other microcontrollers are part of the remote interface or associated with other remote interfaces. It is not clear if the memory is connected to the microcontroller or to the bus. In lines 5 and 6 "capable of" is vague and indefinite. In line 5 it is not clear from where and to where the monitoring data is received and transmitted. It is not clear if the first port is connected to the bus. In lines 6-8 it is not clear from where and to where the environmental conditions data is received and transmitted. If this is data from a computer, it is not clear why this data is transmitted to the computer.

In claim 15 it is not clear what "I2C" stands for.

In claim 16 it is not clear how a bus is a controller area network.

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In claim 17 it is not clear how the first port is utilized if the monitoring data is stored in the memory.

Claim 18 is vague and indefinite. Since claim 14 does not set forth a network, it is not seen how there is a client computer.

In claim 19 it is not clear for what security authorization is established.

In claim 21 it is not clear from where the data comes.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

10. Claims 14, 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Giorgio (5,761,085).

As applicant's invention is best understood, this reference teaches a system having a remote interface (Fig. 1 elements 221A-212N) comprising a microcontroller (Fig. 2 element 42), microcontroller bus (64), memory (Fig. 3 elements

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98, 100, 102), and ports (82, 84, 86, 88, 104, 108). The ports receive and transmit monitoring and environmental data.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 15, 16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giorgio.

Giorgio is cited for reasons given above in paragraph 10. Although Giorgio does not teach the features of claims 15, 16, 18-21, since these are well known features of networks available to those skilled in the art, it would be obvious to one skilled in the art to use them in the system of Giorgio.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Heckler whose telephone number is (703) 305-9666.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 305-3900.

TH  
June 24, 1999



THOMAS M. HECKLER  
PRIMARY EXAMINER